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BY CM/ECF & HAND DELIVERY

The Honorable Sherry R. Fallon
United States District Court
844 N. King Street
Wilmington, DE 19801

Re: *Sight Sciences, Inc. v. Ivantis, Inc.*, C.A. No. 21-1317-GBW-SRF (D. Del.)

Dear Judge Fallon:

Defendants Ivantis, Inc., Alcon Research LLC, Alcon Vision, LLC, and Alcon, Inc. (“Defendants”) write to seek the Court’s guidance regarding a motion to compel compliance with a subpoena that recently was transferred to this Court from the U.S. District Court for the Northern District of Georgia because it relates to the above-referenced action.

On June 9, 2023, nearly 3 weeks before the close of fact discovery in this action, Defendants served a non-party subpoena on Dr. Reay Brown, Sight Sciences’ Chief Medical Officer, in the Northern District of Georgia. Counsel for Sight Sciences accepted service on June 14. The subpoena sought certain documents relevant to Defendants’ defenses in this action and which were previously produced in the *Glaukos* litigation. Dr. Brown objected to Defendants’ subpoena and refused to produce any of the requested documents. Dr. Brown’s counsel, who also represents plaintiff Sight Sciences, Inc., also refused to resolve the dispute before this Court.

Defendants moved to compel Dr. Brown’s compliance with the subpoena in the U.S. District Court for the Northern District of Georgia, and the parties fully briefed the dispute there. Yesterday, that court transferred the dispute to the U.S. District Court for the District of Delaware in consideration of this Court’s greater familiarity with the underlying action. *See Sight Sciences, Inc. v. Ivantis, Inc.*, C.A. No. 23-3275-LMM-JCF, D.I. 36, at 5-7 (N.D. Ga. Aug. 10, 2023); *Sight Sciences, Inc. v. Ivantis, Inc.*, C.A. No. 23-373 (D. Del.) (transferred case).

In light of the upcoming expert report deadlines in this action, Defendants write to inquire whether the Court would prefer to have the parties proceed on the existing papers in C.A. No. 23-373, or to re-brief the motion pursuant to the Court’s discovery dispute procedures. In either instance, Defendants will proceed as directed by the Court.

Respectfully submitted,

/s/ Andrew E. Russell

Andrew E. Russell (No. 5382)

cc: All Counsel of Record (via CM/ECF and Email)
Clerk of the Court (via CM/ECF and Hand Delivery)